

REMARKS

I. INTRODUCTION

In response to the final Office Action mailed March 21, 2007, the Attorney for the Assignee submits the appended amendment and remarks. Claim 1 has been amended to recite "wherein the at least one step to improve the credit score is based on the credit history data." An example of support in the specification for the amendment may be found on page 21, lines 19-22.

After entry of the amendment, claims 1-6 and 23 are pending in the present application. The present amendment and response is believed to traverse all of the prior Office Action rejections, and allowance of the pending claims is kindly requested.

II. REJECTION OF CLAIMS 1-6 AND 23 UNDER 35 U.S.C. § 103(a)

The Office Action rejected claims 1-6 and 23 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,405,181 to Lent *et al.* in view of U.S. Patent No. 6,311,169 to Duhon and "A Home Remedy for Bad Credit" (hereinafter "CCM"). The Office Action stated that "one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references," while citing *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981) and *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Office Action, page 2. In determining obviousness under 35 U.S.C. § 103, however, four factual inquiries are as follows:

- (A) Determining the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

See *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966); MPEP § 2141. The first inquiry - determining the scope and contents of the prior art - is directly dependent on the disclosure of cited references and the Undersigned respectfully submits that the Office Action's determination of the scope and contents of the prior art is challengeable. In part in the context denoted above, the rejection is respectfully traversed for the reasons set forth below and allowance of claims 1-6 and 23 is requested.

Lent, Duhon, and CCM, even if combined, fail to disclose or suggest each element recited in amended independent claim 1. Specifically, neither Lent, Duhon, or CCM, individually or in combination, disclose or suggest "generating a summary report of personalized credit-related information based on the credit history data, the summary report including a credit score and an explanatory statement suggesting at least one step to improve the credit score, wherein the at least one step to improve the credit score is based on the credit history data," as recited in amended claim 1. (Underlining supplied).

Lent discloses providing real time credit approval online. See Lent, Abstract. If the applicant is rejected, he is provided a credit score and a reason for the rejection. *Id.*, col. 11, lines 50-57. The applicants in Lent, however, do not receive any explanatory statement suggesting at least one step to improve the credit score, wherein the at least one step to improve the credit score is based on the credit history data. Instead, some applicants in Lent receive a link to a credit counseling website. See, *Id.*, col. 12, lines 52-54. Accordingly, Lent fails to disclose or suggest generating a summary report that includes "an explanatory statement suggesting at least one step to improve the credit score, wherein the at least one step to improve the credit score is based on the credit history data," as recited in claim 1. Furthermore, there is no suggestion or motivation in

Lent to generate such a summary report. Rejected applicants in Lent receive, among other things, a link to a credit counseling website. There is no need to provide at least one step to improve the consumer's credit based on the consumer's credit history in a system such as Lent that provides a link to a credit counseling website.

Duhon discloses providing credit grantors with historical information online about a consumer's credit history. *See* Duhon, Abstract. The Office Action stated that in Duhon, "[c]onsumers can trace their credit status and note if its improving or deteriorating. Office Action, page 3. Duhon, however, allows credit grantors to review historical information regarding the consumer to make credit granting decisions (*see*, Duhon, col. 7, lines 3-9) and not consumers to determine steps to improve their credit. Accordingly, Duhon does not disclose allowing consumers to review historical information online to determine whether to grant credit to themselves or change their own credit rating. Furthermore, there is no suggestion or motivation in Duhon to generate a summary reporting including "an explanatory statement suggesting at least one step to improve the credit score, wherein the at least one step to improve the credit score is based on the credit history data," as recited in claim 1. As stated above, Duhon relates to providing credit grantors with historical credit information for a consumer. (Underlining supplied). Credit grantors do not have a need for steps to improve a consumer's credit score and, thus, there is no suggestion or motivation to provide credit grantors with a summary report including such information in Duhon.

The CCM article discloses software available for purchase by users that provides users with step-by-step instructions on how to improve their credit scores by working with credit bureaus. The software allows users to do what credit doctors have previously

performed for users; i.e. send credit bureaus letters challenging a derogatory mark on the consumer's record. The CCM article does not disclose generating a summary report of personalized credit-related information based on the credit history data, the summary report including a credit score and an explanatory statement suggesting at least one step to improve the credit score, wherein the at least one step to improve the credit score is based on the credit history data. In fact the CCM article does not disclose providing a user with anything other than step-by-step instructions to improve their credit score by sending letters to credit bureaus. There is no disclosure that the step-by-step instructions are based on the user's credit information or based on the user's credit history. Furthermore, there is no suggestion or motivation to include a summary report with an explanatory statement suggesting at least one step to improve the credit score, wherein the at least one step to improve the credit score is based on the credit history data. The CCM article provides the user with step-by-step instructions to send letters to credit bureaus questioning derogatory marks on their credit. These step-by-step instructions would be applicable to anyone wishing to improve their credit and not dependent on the particulars of a user's credit history.

Assignee respectfully submits claim 1 is patentable in view of the cited references since Lent, Duhon, and CCM, even if combined, fail to disclose or suggest each element recited in claim 1. Accordingly, allowance of claim 1 is respectfully requested.

Claims 2-6 and 23 are ultimately dependent on claim 1, arguments for allowance for which are provided above. Allowance of claims 2-6 and 23 is respectfully requested.

CONCLUSION

Claims 1-6 and 23 are pending in the application. The Office Action rejections are believed to be traversed by the present amendment and response. Claims 1-6 and 23 should now be in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 745-2520 if such contact will facilitate a Notice of Allowance for claims 1-6 and 23. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,

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